



MINUTES OF THE REGULAR MEETING  
OF THE PLANNING COMMISSION  
CITY COMMISSION CHAMBERS, CITY HALL  
THURSDAY, FEBRUARY 20, 2014 4:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, February 20, 2014, in the Commission Chambers at City Hall. Chairman James Argento called the meeting to order at 4:30 p.m. The following Commission members were present:

James Argento  
Clell Coleman  
Charles Townsend  
Ted Bowersox  
Donald Lukich  
Agnes Berry  
Frazier J. Marshall

City staff that was present included Bill Wiley, Community Development Director, Dan Miller, Senior Planner, and Dianne Pacewicz, Administrative Assistant II. City Attorney Fred Morrison was also present.

The meeting opened with an invocation given by Commissioner Frazier J. Marshall and the Pledge of Allegiance to the Flag.

Bill Wiley, Community Development Director, informed the audience of the rules of participation and the need to sign the speaker's registry. He also informed Commissioners and the audience of the City Commission meeting dates tentatively scheduled.

Dianne Pacewicz swore in staff as well as anyone wishing to speak.

**MINUTES OF PLANNING & ZONING COMMISSION MEETING FOR JANUARY 16, 2014.**

**Commissioner Donald Lukich moved to APPROVE the minutes from the JANUARY 16, 2014 meeting. Commissioner Agnes Berry SECONDED the motion, which was PASSED by a vote of 7 to 0.**

Chairman Argento decided to move the first New Business case to the first item for discussion.

**NEW BUSINESS**

**1. PUBLIC HEARING CASE # RZ-14-4 – ASHTON WOODS – PLANNED DEVELOPMENTS REZONING**

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 42 +/- ACRES WITH R-2 (MEDIUM DENSITY RESIDENTIAL) ZONING TO ADD A PDO (PLANNED DEVELOPMENT OVERLAY) FOR THE PURPOSE OF MODIFYING THE SIDEWALK AND BUFFER WALL DESIGN REQUIREMENTS FOR DEVELOPMENT CALLED ASHTON WOODS LOCATED ON THE EAST SIDE OF FERN DRIVE, JUST NORTH OF SUNNYSIDE DRIVE, AS LEGALLY DESCRIBED IN SECTION 30, TOWNSHIP 19, RANGE 25, LAKE

**COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (CITY COMMISSION DATES - 1<sup>st</sup> READING ON MARCH 10<sup>TH</sup>, 2014 AND A 2<sup>ND</sup> READING ON MARCH 24<sup>TH</sup>, 2014).**

Bill Wiley entered the exhibits into record. Dan Miller presented the exhibits. The exhibit items included the staff summary, departmental review summary, staff recommendations, general location/aerial map, land use and zoning maps, wetlands and flood zone map, site photos, and conceptual site plan.

There were no substantive comments received from the departments. There were two public responses received for approval and three responses received for disapproval.

Bill Wiley gave a brief background of this project. The previous applicant had come before Planning Commission in 2005, for an annexation and rezoning. At that time, a Preliminary Subdivision Plan was required. Part of the review was for the preliminary plan conditions below that dealt with this project.

1. Additional right-of-way from the center line of the road along Fern Drive of 33' and Sunnyside Drive of 40' shall be dedicated and deeded to Lake County for additional right-of-way use.
2. The entrance road off Fern Drive (Road Name A) shall be relocated to the approximate area of Lot 44 to line up with the future development of the Burlynn Farm LLC (Alternate Key 2856971) and Burned R Dewey & Clifton L Bridges (Alternate Key 1207665) property to the west.
3. Sidewalks are required adjacent to the development along Fern Drive on the east side and along Sunnyside Drive on the north side. In addition, sidewalks shall be required along one side of all internal subdivision roads.
4. A dedicated recreation area per code of at least 23,800 square feet shall be required for development of a tot-lot in the development with final location approved by staff. Site plan to be shown on plans with equipment installation to be completed by the developer.
5. Development of a buffer wall along collector roads (Sunnyside Drive) shall be required as per Section 5.16 of the Land Development Code.
6. A restrictive access easement along Fern Drive and Sunnyside Drive shall be required to prohibit access to the rear of lots along adjacent roads.

There were buffering concerns of the residents at the time of application. The buffer wall was not done and the sidewalks were not done. The property has since changed hands and the current owner wants to sell the lots for more homes to be built. They approached Staff who recommended and Planned Development Overlay District, which goes over a regular zoning and deals with the design

The Planning & Zoning staff recommended the approval of the request for the following reasons:

1. This request meets the criteria set forth in Section 25-276 Planned Development Overlay District (PDO) of the City of Leesburg Land Development Code for the approval of a PDO in a R-2 (Medium Density Residential) District.
2. The proposed addition of the PDO zoning district is compatible with the zoning of adjacent properties and does not appear to be detrimental to the surrounding residential properties.
3. The proposed PDO zoning district is compatible with the existing City land use designation of LD (Low Density) as well as the surrounding land uses.
4. The proposed PDO zoning district is consistent with the City's adopted Growth Management Plan, Future Land Use Element, Goal I, and Objective 1.2.

with the following condition(s):

1. Development of the property shall be subject to the attached Ashton Woods Planned Development

Overlay Agreement (Exhibit A) hereto, dated February 20, 2014.

2. The property is subject to all applicable regulations of the City of Leesburg and other governmental agencies, including site plan and building review processes, and the assessment of impact fees necessary for the completion of this project.

Action Requested:

1. Vote to approve the recommendation to rezone the subject property to add the proposed PDO (Planned Development Overlay) district, attached hereto as Exhibit A, and forward to the City Commission for consideration.

Bill Wiley highlighted the following in the PUD conditions to expedite.

2. LAND USE

The above-described property, containing approximately 42 acres and 116 residential lots, used for single-family detached residential, pursuant to City of Leesburg development codes and standards.

A. Design Requirements

- (1) The Preliminary Plan Conditions, Exhibit C, are amended and incorporated into this PDO as follows:
  - a. Construction of a split rail PVC fence with decorative two by two (2'x2') foot stone columns approximately every one hundred feet along the boundaries and the ends of the project adjacent to public streets (Fern and Sunnyside Drives) shall be required prior to any additional Certificate of Occupancy. (See exhibit D).
  - b. Construction of sidewalks are required along the boundaries of the project adjacent to public streets (Fern and Sunnyside Drives) shall be required prior to any additional Certificate of Occupancy. In addition, sidewalks shall be required along one side of all internal subdivision roads and construction shall be completed as each house is completed.
  - c. The dedicated recreation area shall be completed for a tot-lot (See Exhibit E) by the developer prior to any additional Certificate of Occupancy. Final design to be approved by city staff.

Mark Ackerman, the agent for this project, stated that he was here to answer any questions. This property was platted in 2007 and then abandoned thereafter. It was purchased in December, 2013. He has every intention to complete the project and will start the construction immediately. Mr. Ackerman stated that it is a great piece of property that will go to excellent. He prefers the fence to match country style as Sunnyside Meadows, which he also owns. The sidewalk, fence with the stone columns, as well as identification signage at the entry will be completely immediately upon approval.

Commissioner Lukich asked if the fence was wood or PVC. Mr. Ackerman answered that they have a preference for PVC, just from a maintenance perspective. He doesn't object to wood though because that is a less expensive option. Commissioner Lukich asked about the other subdivision. Mr. Ackerman answered that Sunnyside Meadows was also PVC.

Commissioner Bowersox asked if there was a Home Owner's Association and would they maintain the fence. Mark Ackerman answered that yes there is an HOA, and they would maintain the fence and any landscaping that goes along with it.

Commissioner Bowersox asked if the reason there were no interior sidewalks was because of construction concerns. Mr. Ackerman answered that was correct. It is typical to complete a sidewalk in front of the home as the home is being built.

Chairman Argento asked who would be eligible to bring their children to the tot lot. Mr. Ackerman answered

that it will be the residents of the Association because it will be owned by the HOA.

Rhonda Wisage, a nearby owner, stated that the PVC fencing looks nice, but that it looks like fencing for horses. She prefers a privacy fence to close it up. She said that she was under the impression that there was going to be a wall.

Mark Ackerman addressed her concern stating that the entire surrounding areas all incorporate this type of fencing. It is a rural community near city amenities, and they want to continue the theme that is near Ashton Woods and not wall people in, and take away from the aesthetic that is trying to be accomplished.

Ms. Wisage stated that across the way, there are homes that don't look very nice, as well as gardening and other businesses, etc, that take away from the complex. She said that a privacy fence would be more of the way to go with it.

Mr. Wiley asked Ms. Wisage if she lives in the development. Ms. Wisage answered that she does.

Commissioner Townsend asked if she was referring to the homes that are to the back of Fern Circle. Ms. Wisage answered that she was. She thinks that the value for the homes in that section will be less.

Mr. Wiley asked if when she bought the home if she was led to believe that there would be a wall. Ms. Wisage answered that she didn't recall. Now that she is a homeowner, she would like to see something go up that will be of value to the people that will be living there.

Mr. Ackerman said that he kindly disagrees.

This was the end of the discussion and the voting then took place.

**Commissioner Donald Lukich made a motion to APPROVE case # RZ-14-4 – ASHTON WOODS – PLANNED DEVELOPMENTS REZONING. Commissioner Charles Townsend SECONDED the motion which, PASSED by a unanimous voice vote of 7 to 0.**

## **DISCUSSION ITEM**

There were no discussion items.

## **ANNOUNCEMENTS**

The next scheduled meeting date is March 20, 2014.

The meeting adjourned at 5:58 p.m.

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James Argento, Chairperson

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Clell Coleman, Vice Chairperson

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Dianne Pacewicz, Administrative Assistant II